

IN RE: PETITION FOR ZONING VARIANCE
NE/S Overton Avenue, 342' W
of Belair Road (Lot 16)
(4214 Overton Avenue)
14th Election District
6th Councilmanic District
Carlisle Mitcherling, et ux
Petitioners

* BEFORE THE
* DEPUTY ZONING COMMISSIONER
* OF BALTIMORE COUNTY
* Case No. 90-200-A

FINDINGS OF FACT AND CONCLUSIONS OF LAW

The Petitioners herein request a variance to permit a buildable lot width of 50 feet in lieu of the required 55 feet and a side yard setback of 7 feet in lieu of the required 10 feet, for a proposed dwelling in accordance with Petitioner's Exhibit 1.

The Petitioners appeared and testified. There were no Protes-

tants.

Testimony indicated that the subject property, known as 4214 Overton Avenue, consists of 31,125 sq. ft. zoned D.R. 5.5 and is currently unimproved. Petitioners testified they purchased the subject property in 1953 and have resided on the adjacent property known as 4216 Overton Avenue since 1946. Petitioners are desirous of transferring the subject property to their son for purposes of constructing a single family dwelling. However, the lot is only 50 feet wide and does not meet current lot width requirements. Petitioners testified the proposed dwelling will be placed on the lot as shown in Petitioner's Exhibit 1 with a 7-foot setback on one side and a 13-foot setback on the other. Testimony indicated that Petitioners have discussed their plans with the adjoining affected property owners who have indicated they have no objections.

Based upon the testimony and evidence presented at the hearing, all of which was uncontradicted, in the opinion of the Deputy Zoning Com-

missioner the relief requested sufficiently complies with the requirements of Section 307 of the Baltimore County Zoning Regulations (B.C.Z.R.) and, therefore, should be granted. There is no evidence in the record that the subject variance would adversely affect the health, safety, and/or general welfare of the public. Furthermore, strict compliance with the B.C.Z.R. would result in practical difficulty and/or unreasonable hardship upon the Petitioner.

Pursuant to the advertisement, posting of the property, and public hearing on this Petition held, and for the reasons given above, the requested variance should be granted.

THEREFORE, IT IS ORDERED by the Deputy Zoning Commissioner for Baltimore County this 21st day of February, 1990 that the Petition for Zoning Variance to permit a buildable lot width of 50 feet in lieu of the required 55 feet and a side yard setback of 7 feet in lieu of the required 10 feet, for a proposed dwelling in accordance with Petitioner's Exhibit 1, be and is hereby GRANTED, subject, however, to the following restrictions which are conditions precedent to the relief requested:

- 1) The Petitioners may apply for their building permit and be granted same upon receipt of this Order; however, Petitioners are hereby made aware that proceeding at this time is at their own risk until such time as the 30-day appellate process from this Order has expired. If, for whatever reason, this Order is reversed, the Petitioners would be required to return, and be responsible for returning, said property to its original condition.
- 2) The variance granted herein for a side yard setback of 7 feet is limited to one side, but can be used on either side.

ANN M. NASTAROWICZ
Deputy Zoning Commissioner
for Baltimore County

ANN-bjs

Baltimore County
Zoning Commissioner
Office of Planning & Zoning
Towson, Maryland 21204
(301) 887-3353

J. Robert Haines
Zoning Commissioner

February 21, 1990

Mr. & Mrs. Carlisle Mitcherling
4216 Overton Avenue
Baltimore, Maryland 21236

RE: PETITION FOR ZONING VARIANCE
NE/S Overton Avenue, 342' W of Belair Road (Lot 16)
4214 Overton Avenue)
14th Election District - 6th Councilmanic District
Carlisle Mitcherling, et ux - Petitioners
Case No. 90-200-A

Dear Mr. & Mrs. Mitcherling:

Enclosed please find a copy of the decision rendered in the above-captioned matter. The Petition for Zoning Variance has been granted in accordance with the attached Order.

In the event any party finds the decision rendered is unfavorable, any party may file an appeal to the County Board of Appeals within thirty (30) days of the date of this Order. For further information on filing an appeal, please contact Ms. Charlotte Radcliffe at 887-3391.

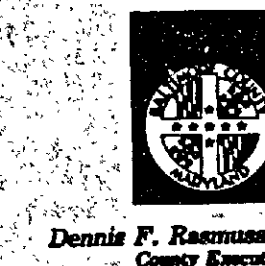
Very truly yours,

ANN M. NASTAROWICZ
Deputy Zoning Commissioner
for Baltimore County

ANN-bjs

cc: People's Counsel

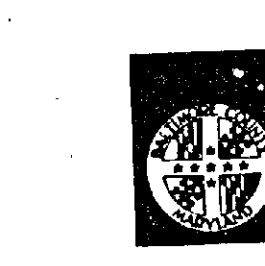
File



Dennis F. Rasmussen
County Executive

Baltimore County
Zoning Commissioner
Office of Planning & Zoning
Towson, Maryland 21204
(301) 887-3353

J. Robert Haines
Zoning Commissioner



Dennis F. Rasmussen
County Executive

Your petition has been received and accepted for filing this
28th day of September, 1989.

J. Robert Haines
ZONING COMMISSIONER

Received By:

James E. Dyer
Chairman,
Zoning Plans Advisory Committee

Petitioner: Mr. & Mrs. Carlisle Mitcherling

Petitioner's Attorney:

BALTIMORE COUNTY ZONING PLANS ADVISORY COMMITTEE

November 17, 1989

COUNTY OFFICE BLDG.
111 N. Chesapeake Ave.
Towson, Maryland 21204

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MEMBERS

Bureau of Engineering
Department of Traffic Engineering
State Roads Commission
Bureau of Fire Prevention
Health Department
Project Planning
Building Department
Board of Education
Zoning Administration
Industrial Development

Mr. & Mrs. Carlisle Mitcherling
4216 Overton Avenue
Baltimore, MD 21236

RE: Item No. 65, Case No. 90-200-A
Petitioner: Carlisle Mitcherling, et ux
Petition for Zoning Variance

Dear Mr. & Mrs. Mitcherling:

The Zoning Plans Advisory Committee has reviewed the plans submitted with the above referenced petition. The following comments are not intended to indicate the appropriateness of the zoning action requested, but to assure that all parties are made aware of plans or problems with regard to the development plans that may have a bearing on this case. Director of Planning may file a written report with the Zoning Commissioner with recommendations as to the suitability of the requested zoning.

Enclosed are all comments submitted from the members of the Committee at this time that offer or request information on your petition. If similar comments from the remaining members are received, I will forward them to you. Otherwise, any comment that is not informative will be placed in the hearing file. This petition was accepted for filing on the date of the enclosed filing certificate and a hearing scheduled accordingly.

IT WOULD BE APPRECIATED IF YOU WOULD RETURN YOUR WRITTEN COMMENTS TO MY OFFICE, ATTENTION JILLIE WINKLASKI. IF YOU HAVE ANY QUESTIONS REGARDING THIS, PLEASE CONTACT HER AT 887-3391.

Very truly yours,
James E. Dyer
Chairman
Zoning Plans Advisory Committee

JED:jw

Enclosures

ZONING DESCRIPTION

4214 OVERTON AVE.
BALTIMORE CO. MD.
14TH. ELECTION DISTRICT

Beginning for the same on the northeast side of Overton Avenue at a point where it is intersected by the division line between lots Nos. 16 and 17 as laid out on the "Plat of Overton" which plat is recorded among the Plat Records of Baltimore County in Plat Book J. W. S. No. 2 Folio 331 and running thence and binding on the northeast side of Overton Avenue south 49 degrees east 50 feet, thence leaving said Avenue and running parallel with the northwesternmost line of Lot No. 16, north 41 degrees east 275 feet to the southwest side of a 10 foot alley, laid out on said plat, thence binding on the southwest side of said alley, north 49 degrees west 50 feet to the northernmost corner of Lot No. 16 on said plat and thence binding on the northwesternmost line of lot No. 16, south 41 degrees west 275 feet to the place of beginning.

BEING the northwesternmost 50 feet of Lot No. 16 as laid out on the "Plat of Overton" and recorded as aforesaid.



Maryland Department of Transportation
State Highway Administration

Richard H. Trainor
Secretary
Hal Kassoff
Administrator

August 31, 1989

Mr. J. Robert Haines
Zoning Commissioner
County Office Building
Towson, Maryland 21204

Attn: Mr. James Dyer

Re: Baltimore County
Carlisle Mitcherling
Property
Zoning Meeting of 8-29-89
NE/S Overton Avenue
342' East of Belair Road
Bordering Baltimore
Beltway (I-695)
(Item #61)

Dear Mr. Haines:

After reviewing the submittal for a variance to allow a buildable lot with a width of 50 feet and a side yard setback of 7 feet in lieu of the required 55 feet and 10 feet, respectively, we have the following comments:

We are requesting three additional copies of this plan be submitted for review by our Project Development Section concerning any possible impact to this site from our future beltway improvements.

If you have any questions, please contact Larry Brooks at 333-1350.

Very truly yours,

Creston J. Mills, Jr.
Creston J. Mills, Jr., Chief
Engineering Access Permits
Division

LB:maw

cc: Mr. Carlisle Mitcherling

RECEIVED
SEP 5 1989
ZONING OFFICE

My telephone number is (301) 333-1350 (Fax #333-1041)

Teleprinter for impaired hearing or speech
383-7555 Baltimore Metro - 563-0451 D.C. Metro - 1-800-492-5082 Toll Free
707 North Calvert St., Baltimore, Maryland 21203-0717

BALTIMORE COUNTY, MARYLAND
INTER-OFFICE CORRESPONDENCE

TO: J. Robert Haines
Zoning Commissioner
DATE: November 3, 1989

FROM: Pat Keller, Deputy Director
Office of Planning and Zoning

SUBJECT: Carlisle Mitcherling
Item 65, 89-200A

The Petitioner is requesting a Variance to permit a 50 ft. lot width in lieu of the minimum 55 feet required. Staff has the following comments on the above request:

In instances such as these, Staff's primary concerns are:

1. What is the impact on adjacent property?
2. Are adequate front, side and rear yard setbacks being provided on the site?
3. Will the reduced lot sizes result in requests for additional variances when subsequent lot owners try to build unsuitable homes on the lots or expand homes into required areas?

Based upon the information provided and analysis conducted, Staff recommends that if the request is granted, the following conditions be attached:

- All building setback lines (front, side, rear) shall be shown on the site plan and recorded by the applicant on the deed of record. Furthermore, a statement shall be attached to the site plan which clearly states that all development shall conform to the setbacks as shown and additional variances shall not be granted for setbacks on the subject property.

- Any applications for building permits shall include a copy of the site plan and the Commissioner's "Findings of Fact and Conclusions of Law," provided by the applicant.

If there should be any further questions or if this office can provide additional information, please contact Jeffrey Long in the Office of Planning at 887-3211.

PK:JL:ggl
ZPFM#2

NOV 08 1989

Baltimore County
Department of Public Works
Bureau of Traffic Engineering
County Office Building
Towson, Maryland 21204
(301) 887-3554

RECEIVED
AUG 31 1989
ZONING OFFICE

August 25, 1989

Mr. J. Robert Haines
Zoning Commissioner
County Office Building
Towson, Maryland 21204

Dear Mr. Haines:

The Bureau of Traffic Engineering has no comments for items number 285, 289, 66, 68, 69, 70, 71, and 72.

Very truly yours,

Michael S. Flanigan
Michael S. Flanigan
Traffic Engineer Associate II

MSE/lvw

Baltimore County
Fire Department
800 York Road
Towson, Maryland 21204-2538
(301) 887-4500
Paul H. Reincke
Chief

AUGUST 24, 1989

J. Robert Haines
Zoning Commissioner
Office of Planning and Zoning
Baltimore County Office Building
Towson, MD 21204

RE: Property Owner: CARLISLE MITCHERLING

Location: 4214 OVERTON AVENUE
Item No.: 65 Zoning Agenda: AUGUST 29, 1989

Gentlemen:

Pursuant to your request, the referenced property has been surveyed by this Bureau and the comments below are applicable and required to be corrected or incorporated into the final plans for the property.

5. The buildings and structures existing or proposed on the site shall comply with all applicable requirements of the National Fire Protection Association Standard No. 101 "Life Safety Code", 1988 edition prior to occupancy.

REVIEWER: Planning Group
Special Inspection Division
Noted and Approved
Fire Prevention Bureau

JK/KEK

AUG 26 1989

Baltimore County
Zoning Commissioner
Office of Planning and Zoning
Towson, Maryland 21204
(301) 887-3353
J. Robert Haines
Zoning Commissioner

January 10, 1990

NOTICE OF REASSIGNMENT

Case # (a): 89-200-A

Petitioner(s): Carlisle Mitcherling, et ux

THE ABOVE MATTER HAS BEEN REASSIGNED.

THE HEARINGS WILL NOW TAKE PLACE AS FOLLOWS:

TUESDAY, FEBRUARY 13, 1990 at 2:00 p.m.

BALTIMORE COUNTY OFFICE BUILDING, 111 W. Chesapeake Avenue, Room 106, Towson, Maryland 21204

J. Robert Haines
J. ROBERT HAINES
ZONING COMMISSIONER
BALTIMORE COUNTY

JRH:gs

Copies:

Mr. & Mrs. Mitcherling

File

CERTIFICATE OF POSTING
ZONING DEPARTMENT OF BALTIMORE COUNTY
Towson, Maryland

District: 14th Date of Posting: 1/24/90

Posted for: Variances

Petitioner: Carlisle Mitcherling, et ux

Location of property: 4214 Overton Ave, 342' x 56' Baln. Co.

Location of Sign: Facing Overton Ave, approx 15' E. of Midway

Remarks: Property of Baltimore

Posted by: Mitcherling Date of return: 1/26/90

Number of Signs: 1

Baltimore County
Zoning Commissioner
Office of Planning & Zoning
Towson, Maryland 21204
(301) 887-3353
J. Robert Haines
Zoning Commissioner

Date: 1-10-90

Mr. & Mrs. Mitcherling
4214 Overton Avenue
Baltimore, Maryland 21236

Re: Case numbers: 89-200-A
Petitioner(s): Carlisle Mitcherling, et ux

Dear Petitioner(s):

Please be advised that \$ 25.00 is due for reposting of the above-referenced property.

THIS FEE MUST BE PAID AND THE ZONING SIGN(S) AND POST(S) RETURNED ON THE DAY OF THE HEARING OR THE ORDER SHALL NOT BE ISSUED.

Your anticipated cooperation is appreciated.

Very truly yours,

J. Robert Haines
J. ROBERT HAINES,
ZONING COMMISSIONER of
Baltimore County
887-3391

NOTE: If Phase II of the Snow Emergency Plan is in effect in Baltimore County on the above hearing date, the Hearing will be postponed. In the event of snow, telephone 887-3391 to confirm hearing date.

NOTE: OUTSTANDING IS THE \$114.83 POSTING AND ADVERTISING FEE FROM THE PREVIOUS HEARING DATE; MAKING A TOTAL OF \$139.83 DUE.

CERTIFICATE OF PUBLICATION
November 2 1989

THIS IS TO CERTIFY, that the annexed advertisement was published in the NORTHEAST TIMES BOOSTER and the NORTHEAST TIMES REPORTER, weekly newspapers published in Baltimore County, Md., once in each of 1 successive weeks, the first publication appearing on November 19, 89.

NORTHEAST TIMES BOOSTER and the
NORTHEAST TIMES REPORTER

S. Zehe Orlan
Publisher

NOTICE OF HEARING
The Zoning Commissioner of Baltimore County, by authority of the Zoning Act and Regulations of Baltimore County, will hold a public hearing on the property identified herein in Room 106 of the County Office Building, located at 111 W. Chesapeake Avenue in Towson, Maryland 21204 as follows:
Petitioner(s): Carlisle Mitcherling, et ux
Case number: 89-200-A
NES Overton Avenue, 342' x 56' of Baln. Co. (Lot #16)
4214 Overton Avenue
14th Election District
in Consequence:
Petitioner(s): Carlisle Mitcherling, et ux
Hearing Date: Tuesday, Nov. 28, 1989 at 2:00 p.m.
Variance: To allow a building lot with a width of 50 feet and a side yard setback of 7 feet in lieu of the required 55 feet and 10 feet, respectively.
In the event that this petition is granted, a building permit may be issued within 90 days (90) day period. The Zoning Commission will consider any request for a variance during the period for good cause shown. Such request must be in writing and received in the office by the date of the hearing set above or presented at the hearing.
NOTE: If Phase II of the "SNOW EMERGENCY PLAN" is in effect in Baltimore County on the above hearing date, the hearing will be postponed. In the event of snow, telephone 887-3391 to confirm hearing date.
J. ROBERT HAINES
Zoning Commissioner of Baltimore County
NOV 11 1989 November 2, 1989

CERTIFICATE OF PUBLICATION
TOWSON, MD., November 2, 1989

THIS IS TO CERTIFY, that the annexed advertisement was published in THE JEFFERSONIAN, a weekly newspaper published in Towson, Baltimore County, Md., once in each of 1 successive weeks, the first publication appearing on Nov 2, 1989.

THE JEFFERSONIAN,

S. Zehe Orlan
Publisher

NOTICE OF HEARING
The Zoning Commissioner of Baltimore County, by authority of the Zoning Act and Regulations of Baltimore County, will hold a public hearing on the property identified herein in Room 106 of the County Office Building, located at 111 W. Chesapeake Avenue in Towson, Maryland 21204 as follows:
Petitioner(s): Carlisle Mitcherling, et ux
Case number: 89-200-A
NES Overton Avenue, 342' x 56' of Baln. Co. (Lot #16)
4214 Overton Avenue
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NOTE: If Phase II of the "SNOW EMERGENCY PLAN" is in effect in Baltimore County on the above hearing date, the hearing will be postponed. In the event of snow, telephone 887-3391 to confirm hearing date.
J. ROBERT HAINES
Zoning Commissioner of Baltimore County
NOV 11 1989 November 2, 1989

Baltimore County
Zoning Commissioner
Office of Planning & Zoning
Towson, Maryland 21204
(301) 887-3353
J. Robert Haines
Zoning Commissioner

DATE: 11/13/89

Mr. & Mrs. Carlisle Mitcherling
4214 Overton Avenue
Baltimore, Maryland 21236

Re: Petition for Zoning Variance
CASE NUMBER: 89-200-A
NES Overton Avenue, 342' x 56' of Baln. Co. (Lot #16)
4214 Overton Avenue
14th Election District - 6th Councilmanic
Petitioner(s): Carlisle Mitcherling, et ux
HEARING: TUESDAY, NOVEMBER 28, 1989 at 2:00 p.m.

Dear Mr. & Mrs. Mitcherling:

Please be advised that \$ 114.83 is due for advertising and posting of the above captioned property.

THIS FEE MUST BE PAID AND THE ZONING SIGN & POST SET(S) RETURNED ON THE DAY OF THE HEARING OR THE ORDER SHALL NOT BE ISSUED. DO NOT REMOVE THE SIGN & POST SET(S) FROM THE PROPERTY UNTIL THE DAY OF THE HEARING.

Please make your check payable to Baltimore County, Maryland. Bring the check and the sign & post set(s) to the Zoning Office, County Office Building, 111 W. Chesapeake Avenue, Room 113, Towson, Maryland 21204 fifteen (15) minutes before your hearing is scheduled to begin.

Be advised that should you fail to return the sign & post set(s), there will be an additional \$50.00 added to the above amount for each set not returned.

Very truly yours,

J. Robert Haines
J. ROBERT HAINES
ZONING COMMISSIONER

JRH:gs

cc: File

NOTE: If "PHASE II" of the "SNOW EMERGENCY PLAN" is in effect in Baltimore County on the above hearing date, the hearing will be postponed. In the event of snow, telephone 887-3391 to confirm hearing date.

Baltimore County
Zoning Commissioner
Office of Planning & Zoning
Towson, Maryland 21204
(301) 887-3353

J. Robert Haines
Zoning Commissioner

October 17, 1989

NOTICE OF HEARING



Dennis F. Rasmussen
County Executive

The Zoning Commissioner of Baltimore County, by authority of the Zoning Act and Regulations of Baltimore County will hold a public hearing on the property identified herein in Room 108 of the County Office Building, located at 111 W. Chesapeake Avenue in Towson, Maryland as follows:

Petition for Zoning Variance

CASE NUMBER: 90-200-A
NES Overton Avenue, 342'± W of Belair Road (Lot #16)
4214 Overton Avenue
14th Election District - 6th Councilmanic
Petitioner(s): Carlisle Mitcherling, et ux
HEARING: TUESDAY, NOVEMBER 28, 1989 at 2:00 p.m.

Variance: To allow a buildable lot with a width of 50 feet and a side yard setback of 7 feet in lieu of the required 55 feet and 10 feet, respectively.

In the event that this Petition is granted, a building permit may be issued within the thirty (30) day appeal period. The Zoning Commissioner will, however, entertain any request for a stay of the issuance of said permit during this period for good cause shown. Such request must be in writing and received in this office by the date of the hearing set above or presented at the hearing.

NOTE:

(If "PHASE II" of the "SNOW EMERGENCY PLAN" is in effect in Baltimore County on the above hearing date, the Hearing will be postponed. In the event of snow, telephone 887-3391 to confirm hearing date.)

J. Robert Haines

J. ROBERT HAINES
ZONING COMMISSIONER
BALTIMORE COUNTY, MARYLAND

JRH:gs

cc: Mr. & Mrs. Mitcherling

Baltimore County
Zoning Commissioner
Office of Planning & Zoning
Towson, Maryland 21204
(301) 887-3353

J. Robert Haines
Zoning Commissioner

Mr. & Mrs. Carlisle Mitcherling
4216 Overton Avenue
Baltimore, Maryland 21238

Re: Petition for Zoning Variance
CASE NUMBER: 90-200-A
NES Overton Avenue, 342'± W of Belair Road (Lot #16)
4214 Overton Avenue
14th Election District - 6th Councilmanic
Petitioner(s): Carlisle Mitcherling, et ux
HEARING: TUESDAY, NOVEMBER 28, 1989 at 2:00 p.m.

Dear Mr. & Mrs. Mitcherling:

Please be advised that \$ 114.83 is due for advertising and posting of the above captioned property.

THIS FEE MUST BE PAID AND THE ZONING SIGN & POST SET(S) RETURNED ON THE DAY OF THE HEARING OR THE ORDER SHALL NOT ISSUE. DO NOT REMOVE THE SIGN & POST SET(S) FROM THE PROPERTY UNTIL THE DAY OF THE HEARING.

Please make your check payable to Baltimore County, Maryland. Bring the check and the sign & post set(s) to the Zoning Office, County Office Building, 111 W. Chesapeake Avenue, Room 113, Towson, Maryland fifteen (15) minutes before your hearing is scheduled to begin.

Be advised that should you fail to return the sign & post set(s), there will be an additional \$50.00 added to the above amount for each such set not returned.

Very truly yours,

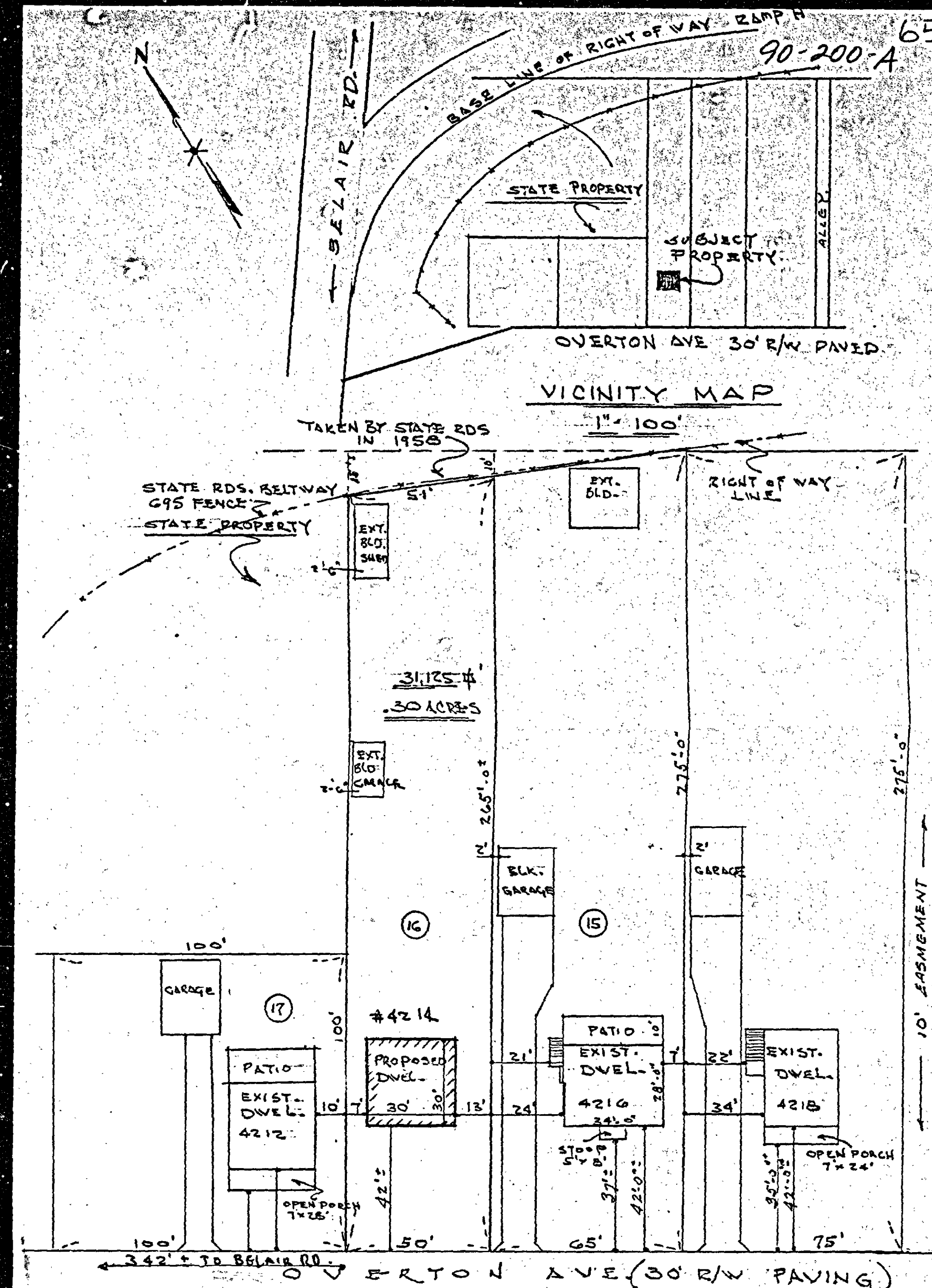
J. Robert Haines
J. ROBERT HAINES
ZONING COMMISSIONER

JRH:gs

cc: File

NOTE:

(If "PHASE II" of the "SNOW EMERGENCY PLAN" is in effect in Baltimore County on the above hearing date, the Hearing will be postponed. In the event of snow, telephone 887-3391 to confirm hearing date.)



PLAT FOR ZONING VARIANCE
OWNER: CARLISLE & MILDRED L. MITCHERLING
DISTRICT 14 ZONED D.R. S.S.
SUBDIVISION OVERTON
LOT 16 BOOK J.W.S. NO 2 FOLIO 331
EXISTING UTILITIES IN (BELAIR RD.) OVERTON AVE.

SCALE 1"=30'

LOT SIZE: 31,125 SQ. FT.
30 ACRES

Petitioner's
Eph. B. + 1
AUG. 10, 1989